



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

DENISE CARLON, ESQUIRE
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Attorneys for Movant
Fifth Third Bank

In Re:

Kelvin David Osorio,

Debtor.

Order Filed on February 11, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 19-27933 CMG

Adv. No.:

Hearing Date: 11/20/2019

Judge: Christine M. Gravelle

**ORDER RESOLVING FIFTH THIRD BANK'S OBJECTION TO DEBTOR'S
CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED

DATED: February 11, 2020

A handwritten signature in black ink, appearing to read "Christine M. Gravelle".

**Honorable Christine M. Gravelle
United States Bankruptcy Judge**

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Debtor: Kelvin David Osorio

Case No.: 19-27933 CMG

**ORDER RESOLVING FIFTH THIRD BANK'S OBJECTION TO
DEBTOR'S CHAPTER 13 PLAN**

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, Fifth Third Bank, the holder of a lien on Debtor's vehicle, a 2016 Kia Sportage, VIN: KNDPCCAC1G7860359, Denise Carlon appearing, by way of objection to the confirmation of Debtor's Chapter 13 Plan, and this Court having considered the representations of attorneys for the Secured Creditor and David S. Waltzer, Esq., attorney for Debtor, and for good cause having been shown;

It is **ORDERED, ADJUDGED and DECREED** that Secured Creditor's lien shall be paid in full through Debtor's Chapter 13 plan at an interest rate of 6.00%; and

It is **FURTHER, ORDERED, ADJUDGED and DECREED** that the total due to Secured Creditor, including interest, shall be \$17,981.15, consisting of the total due at filing of \$15,501.42 and \$2,479.73 in interest that will accrue during the course of Debtor's Chapter 13 plan over 60 months;

It is **FURTHER, ORDERED, ADJUDGED and DECREED** that if the length of Debtor's plan, the interest due under the plan will be adjusted accordingly, and this order is subject to amendment; and

It is **FURTHER, ORDERED, ADJUDGED and DECREED** that the Debtor shall maintain insurance on the vehicle in accordance with the terms of the loan documents during the entirety of this case and shall furnish proof of same annually and upon request;

It is **FURTHER, ORDERED, ADJUDGED and DECREED** that Fifth Third Bank's lien shall remain on the subject vehicle until Debtor has completed all plan payments and receives a discharge in this case; and

It is **FURTHER, ORDERED, ADJUDGED and DECREED** Fifth Third Bank's lien will only be released upon the Debtor's receipt of his discharge and completion of his Chapter 13 Plan. Any dismissal of the case or conversion to a Chapter 7 will result in a full reinstatement of the lien; and

It is **FURTHER, ORDERED, ADJUDGED and DECREED** that the lien shall be released and extinguished upon the successful completion of the Debtor's Chapter 13 plan; and

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Debtor:

Kelvin David Osorio

Case No.:

19-27933 CMG

Caption:

**ORDER RESOLVING FIFTH THIRD BANK'S OBJECTION TO
DEBTOR'S CHAPTER 13 PLAN**

It is **FURTHER, ORDERED, ADJUDGED** and **DECreed** that Fifth Third Bank shall file a release of the lien within 30 days of the date of the service of Debtor's discharge; and

It is **FURTHER, ORDERED, ADJUDGED** and **DECreed** that in the event Fifth Third Bank fails to discharge the mortgage within the prescribed period, the Debtor and/or Debtor's counsel may file a certified or exemplified copy of this order, along with a copy of the bankruptcy discharge order, which shall have the same force and effect of a discharge of lien; and

It is **FURTHER, ORDERED, ADJUDGED** and **DECreed** that Fifth Third Bank's objection to confirmation is hereby resolved.

In re:
Kelvin David Osorio
Debtor

Case No. 19-27933-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Feb 11, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 13, 2020.

db Kelvin David Osorio, 18 Roosevelt Ave, Apt. A, Carteret, NJ 07008

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 13, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 11, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com
David S Waltzer on behalf of Debtor Kelvin David Osorio waltzer@waltzerlawgroup.com,
jackie@waltzerlawgroup.com;waltzerdr93827@notify.bestcase.com
Denise E. Carlon on behalf of Creditor Fifth Third Bank dcarlon@kmllawgroup.com,
bkgroup@kmllawgroup.com
Kevin Gordon McDonald on behalf of Creditor Fifth Third Bank kmcdonald@kmllawgroup.com,
bkgroup@kmllawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5